

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SEA GREEN PARTNERS LLC,

Plaintiff,

v.

BARBARA GAIL, et al.,

Defendants.

CASE NO. C20-5142 BHS

ORDER

THIS MATTER is before the Court on Plaintiff Sea Green Partners LLC's Motion for Relief from Deadline, Dkt. 58. Sea Green asks the Court to permit it to file an untimely response to Defendants' Motion for Summary Judgment, Dkt. 48. The underlying motion was filed July 28, 2022, but it did not include a noting date on its face, as required by Local Rule 7(b)(1). Dkt. 48 at 1. Nevertheless, the Clerk's office properly noted the summary judgment motion for Friday, August 19, 2022.

Based on that noting date, Sea Green's Response to the Motion was due Monday, August 15. It did not file a response, and on August 19 Defendants filed a "notice of non-opposition" to their underlying summary judgment motion. Dkt. 56. Sea Green filed its

1 summary judgment response the following day. Dkt. 57. It now asks the Court to
2 consider that response despite the fact it was filed five days late. Dkt. 58.

3 Defendants oppose that request, arguing that Sea Green was aware of the noting
4 date, that its response is untimely under the Rules, and that counsel failed to confer
5 before filing the motion for an extension of time. Dkt. 61. It does not claim it would be
6 prejudiced if the Court accepted the tardy Response. And it cannot; the trial in this matter
7 is set for February 6, 2023, and the dispositive motion deadline is October 14. Dkt. 55.
8 Defendants seek an opportunity to file a Reply if the Court permits Sea Green's filing.
9 Dkt. 61 at 4.

10 In the absence of prejudice, the Court will accept the late filing and address the
11 underlying motion on the merits. The Motion for Relief from Deadline, Dkt. 58, is
12 **GRANTED**. Defendants may file a Reply consistent with the Civil Rules by September
13 30. The underlying summary judgment motion, Dkt. 48, is **RE-NOTED** for September
14 30, 2022.

15 IT IS SO ORDERED.

16 Dated this 13th day of September, 2022.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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